



August 10, 2021

Honorable Nury Martinez
President, Los Angeles City Council

Via email

Re: Motion to require vaccination checks before business entry; retail exemption

Dear Honorable Council President Martinez:

I am writing in response to your motion which would require vaccination checks at the point of entry at many private businesses, including retail and **respectfully request your consideration in removing all retail from the vaccine verification ordinance**. Unlike other industries such as restaurants or fitness centers, retail store customers and employees can always keep a mask on, and retailers will continue to strongly encourage and incentivize our employees and our customers to get vaccinated as well as wear a face covering while in the retail establishment.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware, and home stores. CRA works on behalf of California's retail industry, which operates over 400,000 retail establishments with a gross domestic product of billions of dollars annually and employs millions of Californians and many Angelenos as Los Angeles is the largest retail market in the state.

Our retail members have expressed significant concerns about the prospect of requiring their employees to "police" their customers for vaccine status at the doors of their businesses. Enforcing mask mandates has been difficult in many cases – checking vaccination cards will stir much more emotion among patrons. Placing our employees at the center of this conflict is not something most of our employees are trained to do and is worrisome for their personal well-being.

Retailers are strong supporters of the COVID-19 vaccinations and were some of the first to work with the County and City to help with the vaccination rollout - offering our services, facilities, and expertise to get the vaccine out as safely and effectively as possible. We certainly share concerns with the increased spread of the Delta variant and the number of people who are not yet vaccinated.

As to your motion requiring vaccination checks at business entry points, we have some immediate questions we would like clarified prior to the drafting and adoption of any ordinance:

- What constitutes "proof" of vaccination? Each vaccination facility provided different forms of confirmation, from vaccination cards (which can be easily forged) to QR codes. What should locations accept as satisfactory "proof" of vaccination?
- Is a copy acceptable, a photo on a phone? Will ID be required to prove the vaccination proof matches the individual?

- Are foreign vaccination cards acceptable?
- How can the city provide uniformity and consistency in enforcement? Who is responsible for enforcement – LAPD? Public Health?
- How do businesses treat individuals who are exempt for religious or medical reasons?
- At what level of vaccination city-wide will this requirement expire? 75% of LA residents vaccinated? 80%?
- What metric will measure ultimate success in city mitigation efforts? Will this be measured based on hospitalizations? Positivity rates?
- Who ultimately is enforcing the ordinance? What is considered a “violation” and what will be the penalties for violations?
- What liability protections will the City provide to employers in the event they are sued (by employees or customers?) for discrimination?
- Will the City include sentencing enhancements for assault and harassment, particularly in a retail setting, to protect workers enforcing masking or vaccination mandates? Will the District Attorney commit to enforcing these penalties?

I welcome the opportunity to discuss this with you in more detail and provide any assistance in stopping the spread of COVID while ensuring that our retail employees are not placed on the front lines of enforcing this ordinance and putting themselves in harm’s way – physically and mentally.

Thank you in advance for your consideration of our concerns. If you have any questions or would like to discuss in more detail, please do not hesitate to reach out to me directly at cra@calretailers.com or 916/443-1975.

Sincerely,



Rachel Michelin
President

Cc: Los Angeles City Council Members
The Honorable Mike Feuer, Los Angeles City Attorney
Chief Michel Moore, Los Angeles Police Department
Dr. Barbara Ferrer, Ph.D., M.P.H., M.Ed., Los Angeles County Public Health Director